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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/206,277	12/07/1998	DANY SYLVAIN	7000-275	5285
27820	7590	03/04/2004		
WITHROW & TERRANOVA, P.L.L.C. P.O. BOX 1287 CARY, NC 27512				
			EXAMINER TSEGAYE, SABA	
			ART UNIT 2662	PAPER NUMBER 14

DATE MAILED: 03/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

1924

Office Action Summary

Application No.

09/206,277

Applicant(s)

SYLVAIN ET AL.

Examiner

Saba Tsegaye

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-58 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 21-58 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 13.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. Claims 21-58 are rejected under 35 U.S.C. 102(e) as being anticipated by Low (US 6,282,281).

Regarding claims 21-29, 35-43 and 49-55, Low discloses, in Fig. 13-17, a telephony switch comprising: a switching fabric (71, 73) (as in claims 21, 35, 49); a first interface (70) adapted to connect the switching fabric (71, 73) to a packet fabric (50) (as in claims 21, 23-25, 35, 37-39, 49-51, 53); originating endpoint (User A) and terminating endpoint (User B) (as in claims 21, 24, 26, 29, 35, 38, 40, 43, 49, 52, 53, 55); a PSTN (60) (as in claims 21-23, 25, 26, 29, 35-37, 39, 40, 43, 49-52, 55); a computing module (53, 73, 90) operatively associated with the switching fabric (71, 73) and the first interface (71, 81, 80) and capable of establishing calls through the switching fabric (60), the packet fabric (50), and the switching fabric and the packet fabric (50, 60) (as in claims 21, 23-27, 35, 49-54); and a signaling network (41) (as in claims 27, 28, 41, 42, 54).

Further, Low discloses a telephony switch that receives a call request for establishing a call between an originating endpoint (User A) and a terminating endpoint (User B) (column 26, line 45-column 27, line 50); and

establish the call through the switching fabric (60), the packet fabric (50), or the switching fabric (60) and the packet fabric (50) based on the originating endpoint and the terminating endpoint (column 28, line 62- column 30, line 37).

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Regarding claims 30 and 44, Low discloses, in Fig. 6, the switch wherein the first interface is further adapted to support the inter-working bridge across the switching (column 14, lines 20-30).

Regarding claims 31 and 45, Low discloses, in Fig. 6, the switch wherein the first interface is further adapted to generate an application instance for the inter-working bridge (column 14, lines 20-59).

Regarding claims 32, 46 and 56, Low discloses, in Fig. 13, the switch, wherein the computing module (43) comprises a signaling interface (41) coupled to the packet fabric (50), the signaling interface adapted to receive call setup messages from and send call setup messages to the originating endpoint (user A), the terminating endpoint, (51) or the originating endpoint and the terminating endpoint through the packet fabric (column 23, line 13- column 24, line 30).

Regarding claims 33, 47 and 57, Low discloses the switch, wherein the computing module operates to minimize the number of calls established through the switching fabric and the packet fabric (column 27, lines 22-50)

Regarding claims 34, 48 and 58, Low discloses the switch, wherein the computing module is further adapted to formulate and send fabric control messages used to establish virtual connections in the packet fabric for transferring bearer traffic associated with the call when the

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originating endpoint, terminating endpoint, or the originating and terminating endpoints (51) are coupled to the packet fabric (50) (column 28, line 62- column 30, line 37).

Response to Arguments

2. Applicant's arguments with respect to claims 21-58 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (703) 308-4754. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

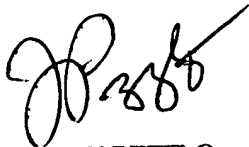
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST

March 1, 2004


JOHN PEZZLO
PRIMARY EXAMINER